

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE
2004 JUN -7 P 4:21

MANUEL REZENDEZ
Plaintiff

v.

F/V LEGACY
PYRITE INTERNATIONAL INC.
And WHALING CITY SEAFOOD
DISPLAY AUCTION
Defendant

U.S. DISTRICT COURT
DISTRICT OF MASS.

C.A. NO. 04-10072-JLT

**DEFENDANT WHALING CITY SEAFOOD DISPLAY AUCTION'S
SCHEDULING STATEMENT**

The defendant, Whaling City Seafood Auction ("Whaling City") submits the following Scheduling Statement in accordance with the Notice of Scheduling Conference and pursuant to the provisions of Fed. R. Civ. 16(b) and Local Rule 16.1. Efforts to reach agreeable dates with plaintiff's counsel were not successful after conferring pursuant to Local Rule 16.1(B).

I. Settlement Proposals

Plaintiff's counsel has advised that it is preparing a settlement demand to the defendants in compliance with Local Rule 16.1.

II. Proposed Discovery Plan

The above-entitled action was filed with this Court on or about January 13, 2004.

Pursuant to Rule 16(b) of the Fed. R. Civ. P. and Local Rule 16.1 (F) Whaling City proposes the following:

1. All amendments and/or supplements to the pleadings to be filed by June 30, 2004 reserving the right to amend and/or supplement if new evidence is introduced as result of discovery.

2. All factual depositions are to be completed by March 30, 2005.

The defendant, Whaling City, foresees conducting depositions of the following individuals:

- a. Manuel Rezendez,
- b. Timothy Champlin,
- c. Richard Canastra,
- d. Crewmembers of the F/V LEGACY, and
- e. Employees of Whaling City Seafood Display Auction.

The defendant, Whaling City, reserves the right to amend and/or supplement this list if discovery provides additional deponents.

3. All Independent Medical Examinations are to be completed by March 30, 2005.

4. The plaintiff shall designate trial experts and shall disclose the information contemplated by Fed. R. Civ. P. 26(a)(2)(b) by April 15, 2005.

The defendant, Whaling City, shall designate trial experts and shall disclose the information contemplated by Fed. R. Civ. P. 26(a)(2)(B) by May 15, 2005. The

defendant, Whaling City, foresees utilizing a liability expert and conducting an Independent Medical Examination of the plaintiff.

5. All expert depositions to be completed by June 15, 2005.
6. All dispositive motions, and/or motions for summary judgment, are to be filed by July 1, 2005.
7. A final pretrial conference will be held on or about July 15, 2005 unless dispositive motions remain pending at that time.

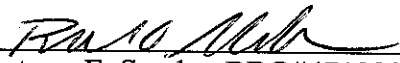
III. Trial by Magistrate Judge

Whaling City does not at this time request trial by magistrate judge.

IV. Certifications

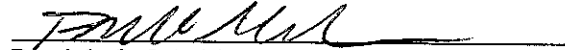
Whaling City certifies that it has conferred with counsel with a view to establish a budget for litigation and alternative dispute resolution. The certification will be filed under separate cover.

Respectfully submitted,
For the Defendant, Whaling City Seafood
Display Auction, Inc.


Bertram E. Snyder, BBO#471320
Patrick O. McAleer, BBO#642627
LOONEY & GROSSMAN, LLP
101 Arch Street
Boston, Massachusetts 02110
(617) 951-2800

Certificate of Service

I hereby certify that on this 7th day of June 2004, I served the foregoing document via facsimile and postage prepaid, to David B. Kaplan, Esq., Kaplan Bond Group, Boston Fish Pier, West Building, Suite 304, Boston, MA 02210 and Regan & Kiley, attorneys for defendants FV LEGACY and Pyrite International, Inc., 85 Devonshire Street, Boston, MA 02109.


Patrick O. McAleer